

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely, "Yeastolized * * * contains yeast, cod liver oil."

Misbranding was alleged for the reason that the statements in the label, "Yeastolized * * * contains yeast, cod liver oil", were false and misleading.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21197. Adulteration and misbranding of aspirin tablets. U. S. v. 28,000 Packages of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30352. Sample nos. 35475-A, 35477-A.)

This case involved alleged 5-grain aspirin tablets which were found to contain $4\frac{1}{2}$ grains of aspirin per tablet.

On April 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28,000 packages of aspirin tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 28, 1933, by the Hampton Manufacturing Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Tablets Aspirin Five Grains."

Misbranding was alleged for the reason that the statements on the label, (box) "Tablets Aspirin Five Grains" and (wholesale container) "Aspirin Tablets * * * Aspirin Five Grains", were false and misleading.

On June 8, 1933, the Mills Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the tablets be ground and recompressed into tablets containing 5 grains of aspirin.

M. L. WILSON, *Acting Secretary of Agriculture.*

21198. Misbranding of Normalettes and Alfine tea. U. S. v. Health Laboratories, Inc., Frank W. Bower, Herbert McCullough, and Parley T. Wright. Pleas of nolo contendere. Defendants McCullough and Wright each fined \$25 on each of 12 counts; fines suspended as to all counts but first. Defendants Health Laboratories and Bower each fined \$50 on each of 12 counts; fines suspended as to counts 5 to 12, incl. (F. & D. no. 30131. I. S. nos. 11065 to 11074, incl., 11080.)

This case was based on several interstate shipments of products known as Bowers Remedies Normalettes, which purported to be 10 different remedies and were labeled "Groups 1 to 10" inclusive and designated, respectively, "Catarrh", "Constipation", "Indigestion", "Tonic", "Rejuvenation", "Underweight", "Goiter", "Female Diseases", "Overweight" and "Growing Child"; also of a product called "Alfine Tea." Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed in the circular that the "Normalettes Growing Child Group 10" contained vitamins, whereas the article contained no appreciable amount, if any, of vitamins.

On April 7, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Health Laboratories, Inc., a corporation, Frank W. Bower, Herbert McCullough, and Parley T. Wright, all of Long Beach, Calif., alleging shipment by said defendants, on or about December 17, 1930, January 12, January 14, January 21, and January 29, 1931, from the State of California into the State of Oregon, of quantities of Normalettes and Alfine tea that were misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by this Department showed that the various Normalettes consisted of tablets containing ground plant material coated with calcium carbonate and sugar, the group 2 Normalettes containing in addition small proportions of phenolphthalein and bile salts and the group

3 Normalettes containing in addition a starch digestant, charcoal, and sodium bicarbonate; and that the Alfine Tea consisted essentially of milk sugar (97 percent) with a small proportion of plant material.

It was alleged in the information that the "Catarrh Group 1" Normalettes was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the box label and in a circular, leaflet, and health chart shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh; effective as a healing agent for all forms of catarrh and inflammation of the mucous membranes of the body, wherever located; effective as an aid to digestion and assimilation of foods, and of beneficial effect upon the inflamed kidneys and bladder; effective as a preventive for getting up nights; effective as part of the respective diets for the several kinds of rheumatism and for neuritis and other nerve diseases caused by inflammation; effective as a remedy for catarrh and acidosis; effective as a remedy for head, stomach, kidney, bladder, and prostate ailments; effective as normalizing tissue salts; effective to promote health; effective when used alone or in connection with group 3 Normalettes as a treatment, remedy, and cure for catarrh of the stomach and indigestion; effective as a treatment, remedy, and cure for all forms of catarrh and inflammation of the membranes, coughs and difficult breathing, catarrh of the head, lungs, throat, stomach, intestines, vagina, and bladder; effective as a remedy for colitis, gastritis, tonsillitis, prostate gland trouble, and ulcers of the stomach; effective to correct diseases; effective to overcome disease and numerous ailments by supplying the life sustaining elements; effective as a general body normalizer; effective to act on the blood, mucous membranes, and organs of elimination other than the bowels and to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective to improve the complexion, correct overweight and excessive fat, solid fat, and flabbiness; effective to decrease weight as desired; effective to correct underweight and to increase weight as desired; effective as a treatment for anemia and for those who are pale, weak, who easily tire and lack concentration; effective to improve the appetite, relieve distress after eating, gas in stomach, burning sensation (heartburn in stomach), continuous hunger, or gnawing stomach, sourness, coughing of mucus after meals, sluggish mind, and any stomach trouble; and effective as a treatment for constipation, looseness of bowels, gas on bowels, soreness of bowels, colic, piles, liver spots on skin, skin disease, bladder and kidney trouble, frequent urination, painful urination, discolored urine, swollen feet and ankles, frequent backache, any kidney or bladder trouble, nervousness, sleeplessness, worry, neuritis, neuralgia, despondency, irritability, sexual weakness, palpitation of the heart, any pain around the heart, pressure of gas around the heart, ailments of the head, throat, and lungs, catarrh in the head, 'droppings' in throat, tendency to catch cold easily, hay fever, asthma, difficult breathing, bronchitis, any lung or throat trouble, body pains, pains in muscles or joints, stiffness of joints, enlarged fingers and toes, enlargement of the thyroid gland, swelling inside or outside of the throat, suffocated feeling, painful neck glands, eye trouble, inflamed lids, watery eyes, headache, ear trouble, irregular, painful or profuse menstruation, any female trouble, and change of life.

Misbranding of "Group 2 Constipation" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for constipation; effective as normalizing tissue salts; effective to promote health; effective to bring about a natural movement; effective as a splendid "liver agent"; effective to overcome disease; effective as a food for the bowels and to overcome constipation by strengthening the lower bowels; effective as a treatment, remedy, and cure for many diseases arising from constipation; effective as a treatment, remedy, and cure for headache, impure blood, backache, biliousness, piles, pimples, and that tired feeling; effective to act particularly on the expelling muscles of the lower bowels and upon the liver in cases of constipation; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to relieve constipation, looseness of the bowels, gas on the bowels, distress or soreness of bowels an hour or two after eating, colic, piles, any liver spots on the skin, and any skin disease.

Misbranding of the group 7 Goiter was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for goiter; effective as normaliz-

ing tissue salts; effective to promote health and to nourish the glands; effective to nourish the thyroid gland when enlarged with goiter; effective as a preventive and corrective in all forms of goiter, enlarged glands of the neck, goiter pains, diarrhoea, difficult breathing, hysteria, despondency, irritation, anemia, and emaciation; effective as a preventive and curative for all forms of goiter; effective to overcome goiter and its accompanying ailments, difficult breathing, hysteria, irritableness, diarrhoea, goiter pains, headaches, despondency, and various forms of menstrual troubles; effective to correct disease; effective as a treatment for numerous ailments and to overcome disease; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to correct overweight and underweight; effective as a treatment for ailments of the stomach and bowels, bladder and kidneys, nerves, heart, head, throat, and lungs; and effective as a treatment for body pains, neck glands, eye trouble, and impaired hearing.

Misbranding of the "Group 3 Indigestion" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for indigestion; effective as normalizing tissue salts; effective to promote health; effective to relieve that heavy, weighty feeling of undigested food in the stomach and the alkalines of the intestines; and effective to greatly assist in the digestion; effective to overcome all digestive troubles, such as pains after eating, acid condition of the stomach, belching, gas, smarting tongue, and a feeling of weight in the stomach after eating; effective as a treatment for asthma; effective to promote the digestion of food both in the stomach and intestines; effective when used alone or in connection with Group 1 Normalettes to tone up the entire system; effective when used alone or in connection with Group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective as a treatment for stomach trouble, distress after eating, gas in stomach, burning sensation (heartburn in stomach), continuous hunger or gnawing stomach, sourness, coughing of mucus after meals, sluggishness, gas on bowels, distress or soreness of bowels an hour or two after eating, colic, piles, liver spots on skin, and skin disease.

Misbranding of the group 4 Tonic was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a tonic; effective as normalizing tissue salts; effective to promote health; effective to nourish the glands of the body and as a nutrient, constructive, and invigorating tonic to nourish and repair the cellular tissues; effective as a treatment, remedy, and cure for anemia, neurasthenia, lassitude, melancholia, loss of ambition, impaired appetite and brain fag; effective as a brain, nerve, and blood builder, effective to give pep and vitality; effective to build up the weakened system, to make the body stronger, to promote circulation, and to resist sickness and disease; effective as a treatment for nervousness, that run-down condition, brain fag, lying awake at night, and general debility; effective as a special benefit in neurasthenia and anemia; effective to correct disease; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and to quickly and permanently restore normal action; effective to correct overweight and underweight; effective as a treatment for ailments of the stomach, bowels, bladder and kidneys, nerves, heart, head, throat, and lungs; and effective as a treatment for body pains, neck glands, eye troubles, impaired hearing, and impaired menstruation.

Misbranding of "Group 5 Rejuvenation" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a rejuvenator; effective as normalizing tissue salts; effective to promote health; effective to nourish the sex glands in both sexes; effective as a treatment for impotency in men and frigidity in women; effective as a treatment for the symptoms of sexual excesses, premature old age, general weakened condition of the sex glands and to restore lost vitality; effective as a treatment for rejuvenation of the sex glands; effective to renew the activity of the mind, secure freedom from disease, insure youthful ambitions and desires and a bright outlook on life; effective to tone up the entire sexual system and restore the vigor and general health of the body; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to correct underweight; effective as a treatment for anemia, pallor, weakness, fatigue, lack of concentration, and despondency; and effective as a treatment for sexual weakness.

Misbranding of the "Group 6 Underweight" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for underweight; effective as normalizing tissue salts; effective to promote health; effective to aid the organs of assimilation in the storing of fat; effective as a treatment for those who are scrawny or emaciated, either constitutionally or from other causes no matter what they eat; effective as a treatment for the growing child; effective to restore normal weight; effective as a tonic for those suffering from underweight; effective to increase weight; effective as a treatment for underweight due to wasting disease, rapid growth, anemia, and undetermined causes; effective as a treatment for malnutrition; effective as a help to promote food assimilation; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; and effective as a treatment, remedy, and cure for underweight, anemia, pallor, weakness, fatigue, and lack of concentration.

Misbranding of the "Group 8 Female Diseases" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for female diseases; effective as normalizing tissue salts; effective to promote health; effective to act beneficially upon the female organs when there is congestion or inflammation causing painful or delayed menstruation; effective as a builder for the anemic girl entering the puberty age and for the woman passing through the change of life period; effective to act beneficially upon the mammary glands of the nursing mother and to increase the flow and richness of the milk, and as a treatment, remedy, and cure for female disorders; effective as a treatment for all menstrual troubles, painful, scanty, profuse, or irregular menstruation, nervous or sick headache, backache, feebleness, slow and imperfect circulation and cold hands and feet; effective as of much service in overcoming the change of life troubles; effective to cause more and richer milk and healthier and stronger-boned babies; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; and effective as a treatment, remedy, and cure for irregular, painful, and profuse menstruation, any female trouble, and change of life period.

Misbranding of the "Group 9 Overweight" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for overweight; effective as normalizing tissue salts; effective to promote health; effective to aid the system in taking care of the surplus fat; effective to eliminate the fat wrinkles or flabby flesh; effective to remove the corpulent abdomen in men and the excessive fat which accumulates about the internal organs; effective to remove gas and bloat of the stomach and bowels; effective to relieve the gas pressure about the heart; effective to strengthen the organs which absorb the fat and to remove fat from around the waists and hips in women and corpulent stomachs in men; effective as a treatment for shortness of breath, palpitation of the heart, dizziness, bladder weaknesses, gas on the stomach and bowels, and craving for sweets; effective when used alone or in connection with Group 1 Normalettes to tone up the entire system; effective when used alone or in connection with Group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective when used alone or in connection with Groups 1 or 2 Normalettes, or when used alone or in connection with Groups 1 and 2 Normalettes, as a treatment, remedy, and cure for dropsical obesity, soft, flabby fat, solid muscular fat, swollen ankles and abdomen, diseases of the liver and kidneys, heart weakness, and glandular inactivity; effective to strengthen the heart action, overcome kidney trouble, and bring to normal functioning the thyroid and lymphatic glands, and to act upon the expelling muscles of the bowels and upon the torpid liver; effective as a treatment for the elimination of soft, flabby fat caused by overeating and satisfying an unnatural craving for sweets and starches, by inactivity of the thyroid and parathyroid glands or by improper elimination; effective as a treatment for increase in weight when accompanied by menopause or change of life; effective to quickly eliminate gas or bloat, acidosis, or a catarrhal condition of the system and to create a healthy condition of the mucous membranes, and to eliminate kidney and bladder weakness; effective to normalize and activate the thyroid and parathyroid glands so that they will properly perform the function

of controlling the amount of fat stored in the body; effective as a treatment for acidosis and kidney trouble; effective to carry off the fatty substance and to prevent its further accumulation; effective to entirely carry broken down fatty tissue out of the system; effective as a treatment, remedy, and cure for constipation; effective as a bowel builder and strengthener and to encourage natural elimination; effective to strengthen and build up a run-down system or unhealthy condition; effective to reduce weight and to insure a slim and youthful figure and to prevent the increase of fat on pregnant women and nursing mothers and to build up the child; and effective as a treatment, remedy, and cure for dizzy spells and gas on the stomach.

Misbranding of the "Group 10 Growing Child" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment for the growing child; effective as normalizing tissue salts; effective to promote health; effective as a treatment for the undernourished and anemic boy and girl who are below normal in growth mentally and physically, or who are growing too rapidly and lack the building materials for bone and body construction; effective as a treatment, remedy, and cure for general lassitude, 'growing pains', loss of appetite, malformed and chalky teeth, restlessness, and lack of application in all mental work in the growing child; effective as a strengthening food for bone, brain, and muscle in the growing child; effective as a treatment for ailments of the boy and girl during the puberty age, as a preventive of soft and brittle bones, malformed, chalky teeth, loss of appetite, bow legs, knock knees, and rickets in the growing child, and to help to strengthen the child who is anemic, under-nourished, and below normal mentally and physically; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective as a treatment for overweight, underweight, stomach, bowel, bladder and kidney troubles, nervousness, heart affections, ailments of the head, throat and lungs, body pains, neck glands, eye trouble, and impaired hearing. Misbranding was alleged for the further reason that the statement "Normalettes Group 10 contains * * * vitamins", in the circular shipped with the article was false and misleading, since the article contained no appreciable amount, if any, of vitamins.

Misbranding of the Alfine tea was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the can label, falsely and fraudulently represented that the article was effective to normalize the body and to alkinize (alkalize) the system, and effective to aid digestion and to promote health.

On April 24, 1933, pleas of nolo contendere were entered on behalf of all defendants. Defendants Herbert McCullough and Parley T. Wright were each sentenced to pay a fine of \$25 on each of the 12 counts with sentence suspended on all counts but the first. On May 8, 1933, the court sentenced the Health Laboratories, Inc., and Frank M. Bower to pay a fine of \$50 on each count of the information with sentence suspended for a period of 2 years on counts 5 to 12, inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

21199. Adulteration and misbranding of Burbank Tea (dried alfalfa). U. S. v. 51 Packages of Dried Alfalfa. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30124. Sample no. 36594-A.)

This case involved a shipment of dried alfalfa sold under the name of Burbank American Vegetable Tea. The labeling of the article bore unwarranted curative and therapeutic claims; it was also labeled to convey the erroneous impression that it was tea of the Orange Pekoe type; the label failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement appeared inconspicuously on the rear panel of the carton.

On April 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 packages of dried alfalfa at Chicago, Ill., alleging that the article had been shipped in interstate commerce, March 28, 1932, by the California Vegetized Products Co., from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton)